

REMARKS

Claims 1-33 were pending at the time of examination. However, in the Office Action, only claims 1-24 were addressed. Presumably, the Examiner has withdrawn claims 25-33 and made the prior Restriction Requirement final. Claims 1, 9 and 19 have been amended. No new matter has been added. The Applicant respectfully requests reconsideration based on the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 6-9, 12 and 14-18 were rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 6,940,407 to Miranda-Knapp et al. (hereinafter "Miranda-Knapp"). Claims 2-3, 10-11 and 19-24 were rejected under 35 U.S.C § 103(a) as being unpatentable over Miranda-Knapp further in view of U.S. Patent No. 5,831,530 to Lace et al. (hereinafter "Lace"). Claims 5 and 13 were rejected under 35 U.S.C § 103(a) as being unpatentable Miranda-Knapp further in view of U.S. Patent No. 6,133,830 to D'Angelo et al. (hereinafter "D'Angelo"). The Applicant respectfully fully traverses these rejections.

Claim 1, as amended, specifies that the theft prevention system is configured to:

“sense an acceleration of the portable electronic device by the acceleration sensor, the acceleration sensor producing an acceleration signal;
examine characteristics of the acceleration signal to detect whether a theft condition is present; and
initiate, by the controller, the production of an alarm signal using the audio output device when it is detected that a theft condition is present.”

It is respectfully submitted that Miranda-Knapp does not have the capability of examining characteristics of the acceleration to detect whether a theft condition is present, and if so, initiates an alarm signal by the controller, as required by claim 1. In contrast, the acceleration sensors used in the devices disclosed in Miranda-Knapp can only detect a drop or a pickup of the device (col. 2, lines 53-54). Dropping or a picking up a device is clearly different from movements of the device that form a “theft condition,” as recited in claim 1. The Examiner argues on page 3 of the Office Action that “those skilled in the art will recognize that the device for detecting loss or misplace and also moved to a location outside a ‘safe zone’ is disclosed by Miranda-Knapp can be used as theft/stolen prevention as desired.” The Examiner further states “Therefore, it

would have been obvious to one having ordinary skill in the art to have the system of Miranda-Knapp for monitoring and detecting the portable electronic device at all time away from unauthorized persons.” The Applicant respectfully disagrees. It is clear from Miranda-Knapp that the acceleration sensors are used only to detect a drop or a pickup, as discussed above. The detection of whether the device is moved outside a “safe zone,” as described in Miranda-Knapp, is based on entirely different detection mechanisms, such as “GPS coordinates, base transmitter IDs, EOTD, or other means known to those skilled in the art” (col. 5, lines 22-24), and not by examining characteristics of an acceleration signal, as required by claim 1. For at least these reasons, the rejection of claim 1 is unsupported by the art and it is respectfully requested that the rejection be withdrawn.

Independent claim 9 is directed to a portable electronic device having a system for protecting against theft, and contains limitations similar to the limitations of claim 1. Thus, for reasons similar to those set forth above, the rejection of claim 9 is unsupported by the art and it is respectfully requested that the rejection be withdrawn.

Independent claim 19 is directed to a method of protecting a portable electronic device against theft, and contains limitations similar to the limitations of claim 1. Thus, for reasons similar to those set forth above, the rejection of claim 19 is unsupported by the art and it is respectfully requested that the rejection be withdrawn.

In rejecting dependent claims 2-3, 10-11 and 19-24 were rejected by combining Miranda-Knapp with Lace, which teaches the use of low pass filters. In order to establish a *prima facie* case of obviousness, the Examiner must show a motivation to combine Miranda-Knapp and Lace. Lace is directed to an anti-theft vehicle system to be placed in, for example, a shopping cart, such that the wheels of the shopping cart lock when the shopping cart is taken outside a spatial perimeter that is defined, for example, by a buried wire cable. Nothing in Miranda-Knapp suggests a desire to combine their system designed for portable communication devices, such as cellular telephones, with the shopping cart anti-theft system of Lace. Furthermore, the Examiner needs to show a reasonable expectation of success for the combination. It should be noted that Miranda-Knapp relies on a high-frequency portion of the acceleration signal when detecting that the device is dropped (FIG. 2), whereas Lace’s low pass filter is designed to block such frequencies. Finally, the combination of the references must teach or suggest all the claim limitations, which is not the case. For at least these reasons, the rejection of dependent claims 2-3, 10-11 and 19-24 is unsupported by the art and it is respectfully requested that the rejection be withdrawn.

Finally, claims 5 and 13 were rejected by combining Miranda-Knapp with D'Angelo, which teaches a sleep mode function. Claims 5 and 13 depend from independent claims 1 and 9, respectively, and are thus not anticipated or rendered obvious for at least the reasons discussed above. Thus, for at least these reasons discussed above with respect to claims 1 and 9, the rejection of dependent claims 5 and 13 is unsupported by the art, and it is respectfully requested that the rejection be withdrawn.

Conclusion

The Applicant believes that all pending claims are patentably distinct from the art of record and respectfully requests a Notice of Allowance for this application from the Examiner. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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